



General Assembly

January Session, 2007

Amendment

LCO No. 7345

HB0715507345HD0

Offered by:

REP. SAYERS, 60th Dist.

SEN. HANDLEY, 4th Dist.

REP. MALONE, 47th Dist.

SEN. SLOSSBERG, 14th Dist.

To: Subst. House Bill No. 7155

File No. 555

Cal. No. 468

***"AN ACT CONCERNING A PROFESSIONAL ASSISTANCE
PROGRAM FOR HEALTH CARE PROFESSIONALS."***

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- 1 In line 11, strike "described in"
 - 2 In line 12, strike "section 19a-17b of the general statutes"
 - 3 In line 13, after "program", insert ", including a medical review
 - 4 committee described in section 19a-17b of the general statutes"
 - 5 In line 329, strike "the assistance program" and insert "continued
 - 6 intervention, referral assistance, rehabilitation or support services" in
 - 7 lieu thereof
 - 8 In line 335, strike "," and insert "and" in lieu thereof; insert "." after
 - 9 "professional"; and strike "and the assistance"
 - 10 In line 336, strike "program."

11 After line 336, insert the following:

12 "(4) Upon written notice to the department by the oversight
13 committee that the assistance program is in compliance with a
14 corrective action plan developed pursuant to subdivision (2) of this
15 subsection, the department may refer health care professionals to the
16 assistance program for continued intervention, rehabilitation, referral
17 assistance or support services and shall submit to the assistance
18 program all records and files concerning such health care
19 professionals."

20 After the last section, add the following and renumber sections and
21 internal references accordingly:

22 "Sec. 501. Section 20-13e of the general statutes is repealed and the
23 following is substituted in lieu thereof (*Effective from passage*):

24 (a) The department shall investigate each petition filed pursuant to
25 section 20-13d, in accordance with the provisions of subdivision (10) of
26 subsection (a) of section 19a-14, to determine if probable cause exists to
27 issue a statement of charges and to institute proceedings against the
28 physician under subsection [(e)] (d) of this section. Such investigation
29 shall be concluded not later than eighteen months from the date the
30 petition is filed with the department and, unless otherwise specified by
31 this subsection, the record of such investigation shall be deemed a
32 public record, in accordance with section 1-210, at the conclusion of
33 such eighteen-month period. Any such investigation shall be
34 confidential and no person shall disclose his knowledge of such
35 investigation to a third party unless the physician requests that such
36 investigation and disclosure be open. If the department determines
37 that probable cause exists to issue a statement of charges, the entire
38 record of such proceeding shall be public unless the department
39 determines that the physician is an appropriate candidate for
40 participation in a rehabilitation program in accordance with
41 [subsection (b) of this section and the physician agrees to participate in
42 such program in accordance with terms agreed upon by the

43 department and the physician] the provisions of sections 1 and 2 of
44 this act. The petition and all records of any physician determined to be
45 eligible for participation in a rehabilitation program prior to the
46 effective date of this section, as amended, shall remain confidential
47 during the physician's participation and upon successful completion of
48 the rehabilitation program, in accordance with the terms and
49 conditions agreed upon by the physician and the department. If at any
50 time subsequent to the filing of a petition and during the eighteen-
51 month period, the department makes a finding of no probable cause,
52 the petition and the entire record of such investigation shall remain
53 confidential unless the physician requests that such petition and record
54 be open.

55 [(b) In any investigation pursuant to subsection (a) of this section,
56 the department may recommend that the physician participate in an
57 appropriate rehabilitation program, provided the department
58 determines that the physician, during his participation in such a
59 program in accordance with terms agreed upon by the department and
60 the physician, does not pose a threat in his practice of medicine to the
61 health and safety of any person. Such determination shall become a
62 part of the record of such investigation. The department may seek the
63 advice of established medical organizations in determining the
64 appropriateness of any rehabilitation program. If the physician
65 participates in an approved program, with the consent of the
66 department, the department shall monitor the physician's participation
67 in such program and require the person responsible for the physician's
68 activities in such program to submit signed monthly reports describing
69 the physician's progress therein. The department shall determine if
70 participation in such a program is sufficient cause to end its
71 investigation. Upon commencement of the rehabilitation program by
72 the physician and during his continued participation in such program
73 in accordance with terms agreed upon by the department and the
74 physician, all records shall remain confidential.]

75 [(c)] (b) As part of an investigation of a petition filed pursuant to
76 subsection (a) of section 20-13d, the Department of Public Health may

77 order the physician to submit to a physical or mental examination, to
78 be performed by a physician chosen from a list approved by the
79 department. The department may seek the advice of established
80 medical organizations or licensed health professionals in determining
81 the nature and scope of any diagnostic examinations to be used as part
82 of any such physical or mental examination. The examining physician
83 shall make a written statement of his or her findings.

84 [(d)] (c) If the physician fails to obey a department order to submit
85 to examination or attend a hearing, the department may petition the
86 superior court for the judicial district of Hartford to order such
87 examination or attendance, and said court or any judge assigned to
88 said court shall have jurisdiction to issue such order.

89 [(e)] (d) Subject to the provisions of section 4-182, no license shall be
90 restricted, suspended or revoked by the board, and no physician's
91 right to practice shall be limited by the board, until the physician has
92 been given notice and opportunity for hearing in accordance with the
93 regulations established by the commissioner."